

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR (1) REAR YARD SETBACK VARIANCE FROM 30 FT TO 17 FT FOR A PROPOSED ACCESSORY STRUCTURE; AND (2) MINIMUM LOT SIZE VARIANCE FROM 9,000 SF TO 8,250 SF IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (BRUCE HARTMANN, APPLICANT).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Earnest McDonald **CONTACT:** Francisco Torregrosa **EXT.** 7389

Agenda Date 04-26-04 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

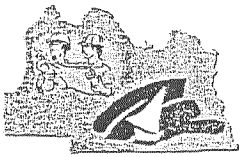
MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR (1) REAR YARD SETBACK VARIANCE FROM 30 FT TO 17 FT FOR A PROPOSED ACCESSORY STRUCTURE; AND (2) MINIMUM LOT SIZE FROM 9,000 SF TO 8,250 SF IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (BRUCE HARTMANN, APPLICANT); OR
2. **DENY** THE REQUEST FOR (1) REAR YARD SETBACK VARIANCE FROM 30 FT TO 17 FT FOR A PROPOSED ACCESSORY STRUCTURE; AND (2) MINIMUM LOT SIZE FROM 9,000 SF TO 8,250 SF IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (BRUCE HARTMANN, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: BRUCE HARTMANN LOCATION: 2527 DAKOTA TRAIL ZONING: R-1A (SINGLE-FAMILY DWELLING DISTRICT)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO CONSTRUCT AN ACCESSORY STRUCTURE THAT WOULD ENCROACH 13 FEET INTO THE 30 FOOT MINIMUM REAR YARD SETBACK. • THE ACCESSORY STRUCTURE WOULD HOUSE A COLLECTION OF MODEL RAILROADS. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.
STAFF FINDINGS	<ul style="list-style-type: none"> • THE APPLICANT HAS SATISFIED THE CRITERIA FOR THE GRANT OF THE REQUESTED MINIMUM LOT SIZE VARIANCE, AS STATED IN LDC SECTION 30.43(b)(3). STAFF HAS DETERMINED THAT: <ul style="list-style-type: none"> ○ SEMINOLE COUNTY ADOPTED COUNTYWIDE ZONING

	<p>ON MAY 31, 1960, WHICH ORIGINALLY APPLIED A MINIMUM LOT SIZE STANDARD OF 7,500 SF TO LOTS THE R-1A DISTRICT, INCLUDING THE SUBJECT PROPERTY. SUBSEQUENT AMENDMENTS TO THE LAND DEVELOPMENT CODE INCREASED THE MINIMUM WIDTH STANDARD FROM 7,500 SF TO 9,000 SF, THEREBY RENDERING THE SIZE OF THE SUBJECT PROPERTY NONCONFORMING. THIS FACTOR CONSTITUTES A HARDSHIP FOR WHICH THE APPLICANT IS NOT RESPONSIBLE.</p> <ul style="list-style-type: none">○ POLICY FLU 3.2, ANTIQUATED PLATS, OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN REQUIRES THE ELIMINATION OF ANTIQUATED (NONCONFORMING) LOTS THROUGH REPLATTING AND THE RECOMBINATION OF LOTS WHEN APPROPRIATE. BECAUSE THE OWNERS OF RECORD FOR THE ABUTTING PARCELS ARE DIFFERENT AND NO OPPORTUNITY HAS EXISTED SINCE THE ADOPTION OF POLICY FLU 3.2 IN 1991 TO COMBINE PROPERTIES, NO REASONABLE USE CAN BE MADE OF THE SUBJECT PROPERTY WITHOUT THE REQUESTED MINIMUM LOT SIZE VARIANCE FROM 9,000 SF TO 8,250 SF.○ THEREFORE, THE APPLICANT HAS SATISFIED THE CRITERIA FOR THE GRANT OF THE REQUESTED MINIMUM LOT SIZE VARIANCE.● THE APPLICANT HAS FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF THE REQUESTED MINIMUM LOT SIZE VARIANCE, AS STATED IN LDC SECTION 30.43(b)(3). STAFF HAS DETERMINED THAT:<ul style="list-style-type: none">○ AN ACCESSORY STRUCTURE SMALLER IN SIZE COULD BE CONSTRUCTED IN THE REAR YARD OF THE SUBJECT PROPERTY WITHOUT ENCROACHMENT INTO EITHER THE SIDE OR REAR YARDS.○ THE GRANTING OF THE REQUESTED VARIANCE WOULD THEREBY CONFER ON THE APPLICANT SPECIAL PRIVILEGES THAT ARE DENIED TO OTHERS IN THE R-1A DISTRICT.○ APPROVAL OF THE REQUESTED VARIANCE WOULD BEGIN A TREND OF REAR YARD ENCROACHMENT WITHOUT THE DEMONSTRATION OF A HARDSHIP.○ REASONABLE USE OF THE PROPERTY WOULD BE RETAINED WITHOUT THE REQUESTED VARIANCE.
STAFF RECOMMENDATION	<p>BASED ON THE STATED FINDINGS, STAFF RECOMMENDS <u>APPROVAL</u> OF THE REQUESTED (1) MINIMUM LOT SIZE VARIANCE FROM 9,000 SF TO 8,250 SF; AND <u>DENIAL</u> OF THE REQUESTED (2) REAR YARD SETBACK VARIANCE FROM 30 FT TO 17 FT FOR A PROPOSED ACCESSORY STRUCTURE.</p> <p>IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE,</p>

	<p>STAFF RECOMMENDS THE IMPOSITION OF THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED ACCESSORY STRUCTURE AND PROPERTY, AS DEPICTED ON THE ATTACHED SITE PLAN; AND• ANY ADDITIONAL CONDITION(S) DEEMED APPROPRIATE BY THE BOARD, FOLLOWING INFORMATION PRESENTED AT THE PUBLIC HEARING.
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SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION
1101 EAST FIRST STREET
SANFORD, FL 32771
(407) 665-7444 PHONE (407) 665-7385 FAX APPL. NO. BV 2004-034

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division.

APPLICATION TYPE:

☒ **VARIANCE** Rear Set back from 30' to 17'

☐ **SPECIAL EXCEPTION**

☐ **MOBILE HOME SPECIAL EXCEPTION**

☐ EXISTING ☐ PROPOSED ☐ REPLACEMENT

MOBILE HOME IS FOR

YEAR OF MOBILE HOME

SIZE OF MOBILE HOME

ANTICIPATED TIME MOBILE HOME IS NEEDED

PLAN TO BUILD ☐ YES ☐ NO IF SO, WHEN

MEDICAL HARDSHIP ☐ YES (LETTER FROM DOCTOR REQUIRED) ☐ NO

☐ **APPEAL FROM DECISION OF THE PLANNING MANAGER**

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	<u>Richard Kimmel</u>	<u>Bruce Hartmann</u>
ADDRESS	<u>2527 Dakota Trail</u>	<u>1209 Formosa Ave</u>
	<u>Fern Park, FL 32730</u>	<u>Winter Park, FL 32789</u>
PHONE 1	<u>407 830 8483</u>	<u>407-898-2929</u>
PHONE 2		
E-MAIL		

PROJECT NAME: 2527 Dakota Trail

SITE ADDRESS: 2527 Dakota Trail, Fern Park 32730

CURRENT USE OF PROPERTY: Residential

LEGAL DESCRIPTION: Lot 31 Indian Hills Unit 6 PB 15 Pg 60

SIZE OF PROPERTY: 8250 ft acre(s) PARCEL I.D. 20-21-30-516-0000-0310

UTILITIES: ☒ WATER ☐ WELL ☒ SEWER ☐ SEPTIC TANK ☐ OTHER

KNOWN CODE ENFORCEMENT VIOLATIONS No.

IS PROPERTY ACCESSIBLE FOR INSPECTION ☒ YES ☐ NO

This request will be considered at the Board of Adjustment regular meeting on April 26th, 2004 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

Bruce Hartmann 3-5-04
SIGNATURE OF OWNER OR AGENT* DATE

* Proof of owner's authorization is required with submittal if signed by agent.

ADDITIONAL VARIANCES

VARIANCE 2:

Lot Size Variance From 9000^{sq} ft to 8250^{sq} ft

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

VARIANCE 8:

APPEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME		
ADDRESS		
PHONE 1		
PHONE 2		
E-MAIL		

NATURE OF THE APPEAL

BCC PUBLIC HEARING DATE

FOR OFFICE USE ONLY

PROCESSING:

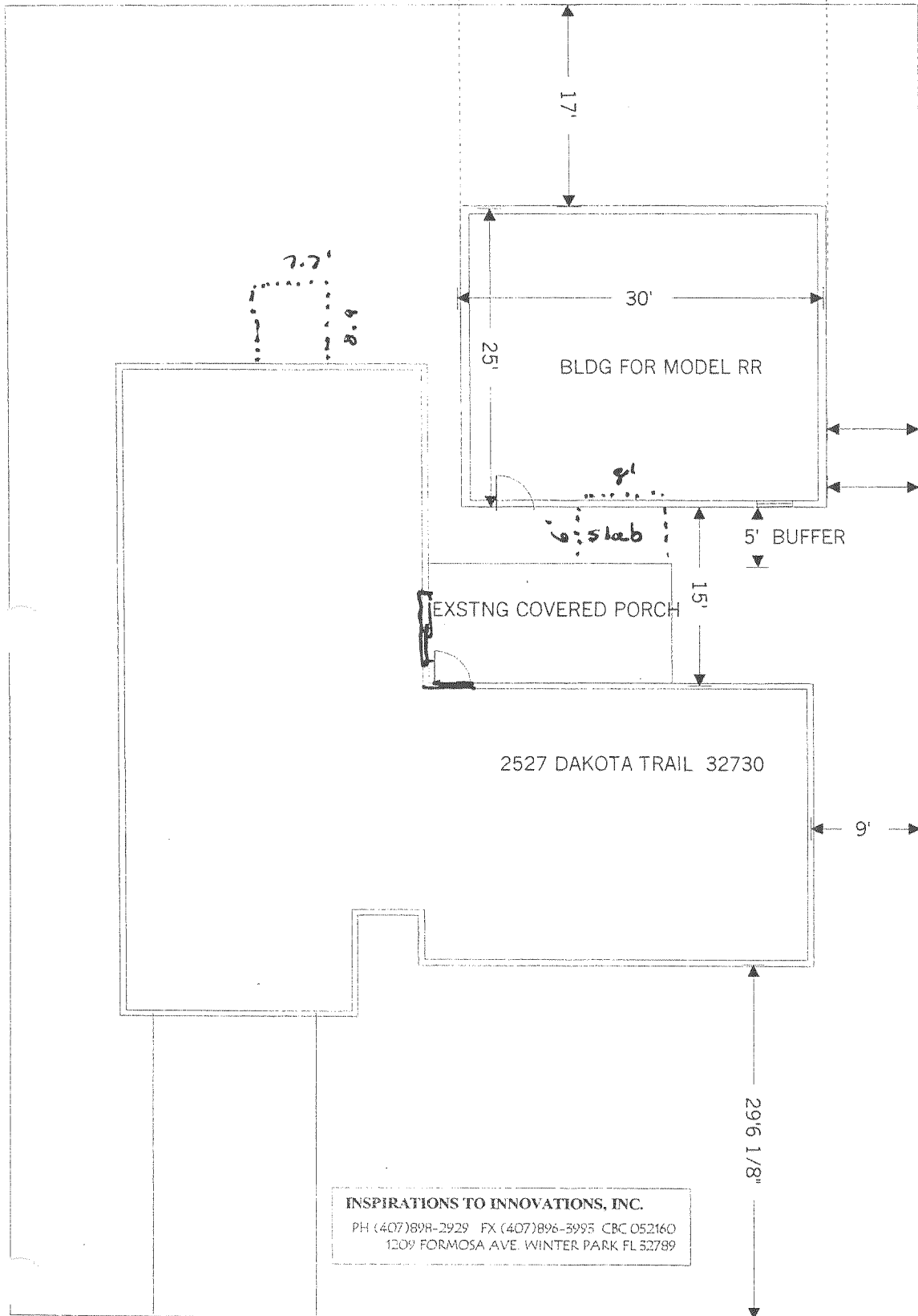
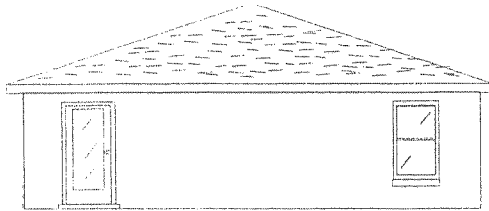
FEE: \$200.00 COMMISSION DISTRICT 4 FLU/ZONING LDR/R-1A

LOCATION FURTHER DESCRIBED AS on north side of Dakota Trail
approximately 350' west of Winnebago Trail

PLANNER JV

DATE 3/5/04

SUFFICIENCY COMMENTS



EXISTNG COVERED PORCH

BLDG FOR MODEL RR

2527 DAKOTA TRAIL 32730

INSPIRATIONS TO INNOVATIONS, INC.

PH (407)898-2929 FX (407)896-3995 CRC 052160
1209 FORMOSA AVE. WINTER PARK FL 32789

DAKOTA TRAIL

25'

110'

1407 665 93.85

JUL 14 2003 9:42AM



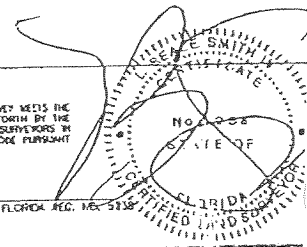
23

780

105

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4/12/95
7/7/03
25024

L. BEALE SLOTH IV, FS
PROFESSIONAL SURVEYOR AND MAPPER FLORENCE REG. NO. 5238



**INSPIRATIONS TO
INNOVATIONS, INC.
A Design Build Company
CB C052160**

1209 Formosa Ave.
Winter Park, FL 32789
407-898-2929
FAX 407-896-3993

March 5, 2004

TO WHOM IT MAY CONCERN:

Bruce Hartmann is authorized to handle all variance issues at Seminole County Building Department

Project Richard Kimmel
Address: 2527 Dakota Trail
Fern Park, FL 32730



Richard Kimmel

**STATE OF FLORIDA
COUNTY OF Seminole**

PERSONALLY appeared before me, the undersigned authority, Bruce Hartmann, who executed the foregoing instrument and is personally known by me and who acknowledges before me that he executed the same for the uses and purposes therein expressed.

WITNESS my hand and official seal in the County and State last aforesaid, this 5 day of March, 2004.

NOTARY PUBLIC (Signature)

NOTARY PUBLIC (Print Name)



Sharon Reppert
My Commission DD104987
Expires April 01, 2006

My Commission Expires: _____

Commission Number: _____

Seminole County
1101 East First Street
Sanford, FL 32771

Building and Code Enforcement Division

**RE: Richard Kimmel
2527 Dakota Trail
Fern Park, FL 32730**

To Whom It May Concern:

I have reviewed the site plans and the proposed addition to the Kimmel Residence and have no objection to the work proposed.

NAME: June L. Sells
NAME/PRINTED: JLS
ADDRESS: 2530 Kiowa Tr.
Fern Park
DATE: 2/29/04

Seminole County
1101 East First Street
Sanford, FL 32771

Building and Code Enforcement Division

**RE: Richard Kimmel
2527 Dakota Trail
Fern Park, FL 32730**

To Whom It May Concern:

I have reviewed the site plans and the proposed addition to the Kimmel Residence and have no objection to the work proposed.

NAME: John M Blanchard
NAME/PRINTED: JOHN M BLANCHARD
ADDRESS: 2523 OAKOTA TRAIL
FERN PARK, FL 32730
DATE: February 29, 2004

Seminole County
1101 East First Street
Sanford, FL 32771

Building and Code Enforcement Division

**RE: Richard Kimmel
2527 Dakota Trail
Fern Park, FL 32730**

To Whom It May Concern:

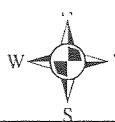
I have reviewed the site plans and the proposed addition to the Kimmel Residence and have no objection to the work proposed.

NAME: Kensworth A. Cloutier

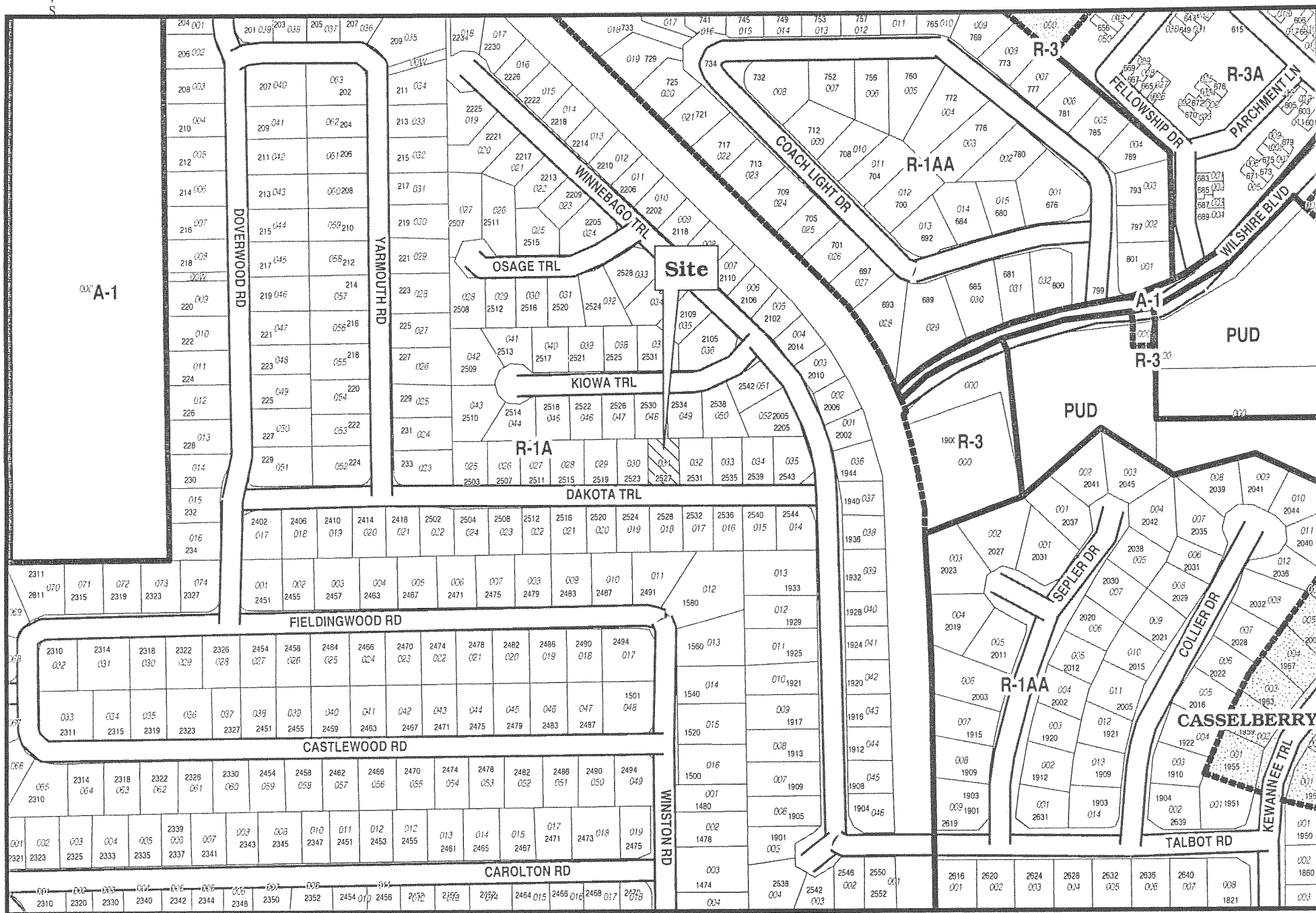
NAME/PRINTED: Kensworth A. Cloutier

ADDRESS: 2531 Dakota Trail
Fern Park 32730

DATE: 02/29/04



Richard Kimmel 2527 Dakota Trail



0 150 300 600 Feet

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On April 26, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 31 INDIAN HILLS UNIT 6 PB 15 PG 60

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: RICHARD KIMMEL
2527 DAKOTA TRAIL
FERN PARK, FL 32730

Project Name: DAKOTA TRAIL (2527)

Requested Development Approval:

1. REAR YARD SETBACK VARIANCE FROM 30 FEET TO 17 FEET; AND
2. MINIMUM LOT SIZE VARIANCE FROM 9,000 SQUARE FEET TO 8,250 SQUARE FEET.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Francisco TorregrosA
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED.**

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property:

The variance granted shall apply only to the proposed accessory structure and lot as depicted on the attached site plan.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By:

Matthew West
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2004.

State

Notary Public, in and for the County and

Aforementioned

My Commission Expires: